

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> JEFFREY A. WARD, <div style="text-align:right">Petitioner,</div> <div style="text-align:center">v.</div> MARIROSA LAMAS, et al., <div style="text-align:right">Respondents.</div> <hr/>	: : : : : : : : : :	CIVIL ACTION No. 13-CV-3960
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AMENDED ORDER

AND NOW, this 21st day of October, 2013, having considered Petitioner Jeffrey A. Ward's objection to the Report and Recommendation prepared by United States Magistrate Judge Timothy R. Rice, it is hereby **ORDERED** that this Court's Order of September 17, 2013 adopting Judge Rice's Report and Recommendation is **AMENDED** as follows:

Upon careful and independent consideration of the petition for writ of habeas corpus, and after a review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice and the objection to the Report and Recommendation submitted by Petitioner, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petitioner's objection is **OVERRULED**.¹

¹ It is clear from the record that the petition for writ of habeas corpus is untimely. Petitioner's objection does not address the timeliness issues raised in Judge Rice's Report and Recommendation, nor does it provide the Court with any information that would change the analysis made in the Report and Recommendation. Therefore, Petitioner's objection is overruled.

We further find that the second exhibit attached to Petitioner's objection is styled as a complaint, seeking declaratory and injunctive relief regarding the constitutionality of the Pennsylvania Post Conviction Relief Act. In order for these claims to move forward, Petitioner would need to file his complaint in a separate civil action, and either provide the Court with the \$400 filing fee, or

3. The petition for writ of habeas corpus is **DENIED** with prejudice.
4. There is no probable cause to issue a certificate of appealability; and
5. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.

seek leave to proceed in forma pauperis in accordance with the requirements of 28 U.S.C. § 1915.